

**4th Judicial District
Implied Consents
Business Rules and Procedures**

Court Administration Authority to Grant Requests for Continuances

1. Civil Filing may grant two continuances per case; each continuance may be up to 4 weeks in length. Before calling Civil Filing for a continuance, the requesting party must get consent for the continuance from the other party.
2. Civil Filing will give the requesting party available hearing dates within the next 4 weeks and instruct the party to contact the other side to agree on a date.
3. If a party wants a) a continuance longer than 4 weeks or b) a third or more continuance on the case, the requesting party must file a Notice of Motion and Motion. The motion fee would be due. If time and the lawyers' schedules permit, the motion will be heard on a regularly scheduled Implied Consent (IC) calendar prior to the scheduled IC hearing date. Otherwise, the motion will be heard by phone or chambers conference with the judge hearing IC cases on the scheduled IC hearing date.

Policies Applicable When a Temporary Stay of Revocation Was Denied by the Chief Judge

1. The Chief Judge's clerk will set an IC hearing date as soon as possible with at least 3 weeks' notice. The hearing date must be within 60 days of the date the IC petition was filed.
2. Court Administration Continuance Policies: In addition to the policies above;
 - a. If a continuance is requested by the petitioner, the new hearing date must either be within 60 days of the date the IC petition was filed or the petitioner must waive the 60 day requirement.
 - b. If a continuance is requested by the Attorney General, the new hearing date must either be within 60 days of the date the IC petition was filed or the Attorney General must address the status of the petitioner's driver's license.
3. The Court's Continuance Policy: If a case has been continued twice, and if the AG has previously given the petitioner a temporary reinstatement, the court should deny any further continuance requests absent good cause. The pendency of a criminal case is not, in itself, good cause.

Policies Applicable When No Criminal Case Was Filed within 45 days of the Filing of the IC Petition

1. Weekly, Civil Filing will run a report to identify these cases.
2. If the petitioner's driver's license has been temporarily reinstated by the Chief Judge, Civil Filing will set an IC hearing date as soon as possible but not less than 3 weeks out.
3. If the petitioner has not requested a temporary reinstatement of their driver's license, Civil Filing will set an IC hearing date within 60 days of the date the IC petition was filed with as much advance notice as possible. Civil Filing will grant continuances pursuant to the policies above
4. If a case has been continued twice, and if the Petitioner's license has been temporarily reinstated, the court should deny any further continuance requests absent good cause. The pendency or imminent filing of a criminal case is not, in itself, good cause.

Policies Applicable When the Criminal Case Was Resolved but No IC Hearing Date Has Been Set

1. As time permits, if the IC petition was filed before the criminal case was resolved, and no scheduling order was filed, Civil Filing will prepare an Order for Dismissal for consideration by the Chief Judge.
2. If the IC petition was filed after the criminal case was resolved (sentenced or dismissed), Civil Filing will set an IC hearing date as soon as possible with at least two weeks' notice.
3. If a case has been continued twice, and if the Petitioner's license has been temporarily reinstated, the court should deny any further continuance requests absent good cause.

Policies Applicable When a Bench Warrant Has Been Issued in the Criminal Case

1. When the case comes to the attention of Civil Filing, Civil Filing will enter a disposition of "Closed Administratively."
2. If the Petitioner's driver's license had been temporarily reinstated, Civil Filing will notify the Chief Judge who may order revocation of the temporary stay.
3. If the criminal case is eventually resolved and an IC hearing is needed, Civil Filing will reopen the case and set an IC hearing date.

EFFECTIVE SEPT 6, 2011, Petitions to Reinstate Drivers' Licenses Pursuant to [Minn. Stat. § 171.19](#)

1. Petitions to Reinstate Drivers' Licenses will be heard on regularly scheduled IC calendars. Civil Filing must give the AG at least 15 days' notice of the hearing date.
2. IC continuance policies will govern Petitions to Reinstate Drivers' Licenses, except for those IC policies particularly related to IC time limits.